

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: SLUMAN ROAD ESTATES SHORT PLAT

Case Number: PLD2006-00068; SEP2006-00127; MZR2006-00129

Location: 1315 NW Sluman Road; Tax Lot 1/13 (98420), located in a portion of the NE ¼ of Section 9, Township 2 North, Range 1 East of the Willamette Meridian

Request: The applicant is requesting a preliminary plat approval to subdivide approximately 3.47 acres into 5 residential lots in the R1-7.5 Zoning District, with one lot to contain an existing dwelling.

Applicant: Sluman Road LLC
504 NE Bassel Road
Vancouver, WA 98685
(360) 518-1747
Fax (360) 576-9946

Contact Person: Chris Avery, Land Use Planner
Minister and Glaeser Surveying, Inc.
2200 E. Evergreen Blvd
Vancouver, WA 98661
(360) 694-3313
Fax (360) 694-8410
csa@mgsurvey.com

Property Owner: Debra Welch
1315 NW Sluman Road
Vancouver, WA 98665

DECISION

Approved subject to Conditions

Team Leader's Initials: **Date Issued:** September 15, 2006

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Harper Kalin	4999	harper.kalin@clark.wa.gov
Engineer (Trans. Concurrency):	Richard Gamble	4384	richard.gamble@clark.wa.gov
Engineer (Trans. & Stormwater):	Doug Boheman	4219	doug.boheman@clark.wa.gov
Team Leader:	Krys Ochia	4834	krys.ochia@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Sue Stepan	4064	sue.stepan@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential

Parcel Number(s): 098420-000

Applicable Laws:

Clark County Code Sections: 15.12 (Fire Code); 40.220.010 (Single-family Residential Districts); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

West Hazel Dell Neighborhood Association
Ila Stanek
500 NW Wildwood
Vancouver, WA 98665
(360) 573-7376
E-mail: ilastanek@hotmail.com

Time Limits:

The application was determined to be fully complete on June 30, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapses on September 16, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on November 22, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application

is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 16, 2006. The pre-application was determined to be contingently vested as of February 23, 2006, the date the fully complete pre-application was submitted.

The fully complete application was submitted on June 9, 2006 and determined to be fully complete on June 30, 2006. Given these facts the application is vested on February 23, 2006.

There are no disputes regarding vesting.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, West Hazel Dell Neighborhood Association and property owners within 300 feet of the site on July 14, 2006. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on July 14, 2006.

Public Comments:

Two comments were received in response to the public notice:

Lynn and Patricia Degerstedt, letter, received July 26, 2006 (Exhibit 9). The Degerstedts own the property directly west of the subject site. They are concerned with the long term maintenance of 'Tract A', which includes a storm water treatment facility and electric line easement. In addition, they would like their potentially dangerous ingress and egress to Sluman Road to be changed from a sharp angle to be curved or re-aligned. They believe that the Northwestern Electric Company easement has had a width assigned in recent years. Lastly, they request a larger plat format as the mailed information was too small.

Staff Response

The long term maintenance of 'Tract A' is addressed in Condition A-8.a in the form of a Developer Covenant, as per Clark County Code. The required covenant will be recorded at the time of final plat.

The sidewalk, planter strip and curb to be installed adjacent to the Degerstedt drive-way will be designed to provide safe ingress and egress as outlined in Condition A-2.a.

The easement document associated with the property does not indicate a width. The easement is shown at approximately 40 feet on the plans.

Full size plans of the project are available for viewing by the public at the Public Service Center, Department of Community Development, 1300 Franklin Street, 3rd Floor.

State of Washington Department of Ecology, letter, received July 31, 2006 (Exhibit 10). This letter is advisory in nature. The letter indicates that the development site is not located near any known potentially contaminated sites. In the event that contamination is observed during development, the Department of Ecology must be notified.

Project Overview

The site is a 3.47 acre parcel containing an existing 1,340 square foot residence, detached garage with carport, and metal outbuilding, all of which are proposed to be retained.

The application proposes to divide the parcel into five lots and a stormwater/open space area labeled 'Tract A'. A portion of the tract is an existing easement granted to Northwestern Electric Company. The existing structures will be contained on Lot 5 which also includes priority and riparian habitat areas. No new structures are proposed within the habitat buffer area.

An existing access easement over the property to the east will serve Lot 5, which contains the existing residence. Lots 1 and 2 will take access via a private street. Lots 3 and 4 will take access via a shared drive-way that extends from the private street.

The northern portion of the site is comprised of a flat grassy field. The southern portion contains the existing residence, and a significant number of white oak trees. The far southern portion of the site slopes approximately 80 feet toward Burnt Bridge Creek.

The site is located within the Vancouver School District, Fire District #6, and Park District #9.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	Single-Family Residential (R1-7.5)	Residential
North	Urban Low Density Residential	Single-Family Residential (R1-7.5)	Residential
West	Urban Low Density Residential	Single-Family Residential (R1-7.5)	Residential
South	Parks/Open Space	Parks	Railroad, Burnt Bridge Creek
East	Urban Low Density Residential	Single-Family Residential (R1-7.5)	Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1- Lot Standards

The lot standards for the R1-7.5 zone are contained in CCC Table 40.220.010-2. By using the existing residence exclusion as allowed in CCC 40.220.010(C)(1), Lot 5 is not included in the lot and density calculations.

The density of the site (excluding dedicated public right-of-way) is 4.1 dwelling units per acre which meets the density standards of 4.1 – 5.8 dwelling units per acre for the R1-7.5 zone.

The minimum lot area required is 7,500 square feet and the average maximum lot size required is 10,500 square feet. The lot area is calculated excluding the private road paved areas, but including the 5 feet sidewalk. However, the sidewalk must be placed in a separate easement from private roadway. (**see Condition D-1**) Using this calculation, Lot 2 (7,741 sq. ft), Lot 3 (9,250 sq. ft.), and Lot 4 (9,250 sq. ft) meet the 7,500 sq. ft. minimum. The net area of Lot 1 is 6,902 sq. ft. which is below the minimum lot area for

the zone. However, an exception is allowed for one lot within the short plat if it is within ten percent (10%) of the required lot area for the zone according to CCC 40.200.040(C)(2). Lot 1 is within 10% of 7,500 sq. ft. and thus meets the standard.

The average area of the lots is 8,286 sq. ft. which meets the average maximum area of 10,500 sq. ft.

The proposal meets the applicable lot standards for lot width and depth.

The applicable minimum setbacks (distance between structures and lot lines) are as follows:

- Front: 20 feet
- Street Side: 10 feet
- Side: 5 feet
- Rear: 5 feet

Finding 2 – Mobile/Manufactured Homes

The applicant has not specifically indicated that mobile homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), mobile homes are prohibited on any lot in this plat. **(see Condition D-4-a)**

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified below, meets the land use requirements of the Clark County Code.

CRITICAL AREAS:

Finding 1 – Habitat Areas

According to the GIS mapping indicators there is Priority Habitat on the property. The Priority Habitat designation exists because some Oregon white oak trees exist on the southern portions of the property. Oregon white oaks are considered a Priority Habitat by the state due to their unique ability to host many sensitive and dependant wildlife species. Additionally, riparian habitat extends partially onto the southwestern corner of the property. The riparian designation exists because Burnt Bridge Creek, a Department of Natural Resources (DNR) mapped type 1 watercourse flows just south of the property. A DNR type 1 watercourse requires a 250-foot riparian Habitat Conservation Zone (HCZ). The riparian HCZ extends horizontally outward from the ordinary high water mark 250', or to the edge of the 100-year floodplain, whichever is greater. Finally, a Priority Species buffer extends onto the southerly portions of the parent parcel. The Priority Species buffer is a result of a Washington Department of Fish and Wildlife (WDF&W) mapped waterfowl concentration area along Burnt Bridge Creek.

That applicant has proposed building envelopes that are outside of the habitat areas on the site. Hence, the proposed building envelopes comply with the exemption criterion identified in CCC Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance. **(see Condition D-3)**

Conclusion (Critical Areas):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the critical area requirements of the Clark County Code.

Transportation

Pedestrian/Bicycle Circulation - Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The preliminary plat proposes a private road to provide access to the northerly two of the five proposed lots. The southerly three of the proposed five lots will obtain access from the terminus of the said private road and then along a joint use driveway. Sidewalks and bike lanes are not required for joint use driveways and bike lanes are not required for private roads or residential streets. Sidewalks are proposed on one side of the on-site private road. Sidewalks are also proposed along the half street frontage improvements of NW Sluman Road abutting the site on the north and classified as an urban neighborhood circulator. Based upon this information, staff finds that the proposed pedestrian circulation can comply with Section CCC 40.350.010.

Circulation Plan - Finding 2

In compliance with Section CCC 40.350.030(B)(2), a circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. The evidence submitted with this application shows that there is no feasibility of additional cross circulation roads within and in the vicinity of this development that could reasonably accomplish this purpose. Based upon this information, staff finds that the circulation requirements complies with CCC 40.350.030(B)(2).

Roads - Finding 3

NW Sluman Road, abutting the site on the north, is classified as an urban neighborhood circulator road. The minimum right-of-way (ROW) dedications and improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:

- a. A minimum full-width ROW of 54 feet.
- b. A minimum full-width roadway of 36 feet.
- c. Curb/gutter, minimum width sidewalk of 5 feet.

The driveway for the neighbor west of the site abuts the site on the westerly site boundary. The required curb, gutter and sidewalk shall be designed such that any future road improvements will accommodate a driveway approach at the neighbor's driveway entrance. **(see Condition A-2.a)**

The preliminary plat shows an on-site private road intersecting NW Sluman Road at the northeast corner of the site. The private road, as shown is on the preliminary plat, is 20 feet of paved surface with a 5 foot sidewalk along the westerly side of this proposed private road all contained within a 30 foot private road easement. In accordance with CCC 40.350.030(B)(10)(b)(2)(a), the preliminary plat specifies that the private road's structural section will be constructed to local residential access standards. Standard Drawing #14 shows a crown roadway section with 2-4% cross-slopes. Relief from the requirement for crown section may be obtained through an Administrative Road Modification in accordance with CCC 40.550.010. **(see Condition A-2.b)**

The preliminary plat shows the proposed 16 foot wide on-site joint use driveway within a 25 feet access easement. The proposed joint driveway shall provide a minimum of twelve (12) feet of clear unobstructed all weather driving surface and an overhead clearance of thirteen (13) feet, six (6) inches in accordance with CCC 40.350.030(B)(4)(b)(2). **(see Condition A-2.c)**

Access - Finding 4

Corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines or in the case where this is impractical, the driveway may be located five (5) feet from the property line away from the intersection or as a joint used driveway at the property line. **(see Condition A-2.d)**

Intersection Design - Finding 5

The Record of Survey submitted by the applicant shows that the angle of the intersection is skewed from 90° to 56°53'17". Private roads intersecting access roads shall be laid out so as to intersect no less than 60° in accordance with CCC 40.350.030(B)(7)(a). The intersection design shall be redesigned to comply with CCC 40.350.030(B)(7)(a) or the applicant shall apply and obtain approval with a Road Modification for relief from this standard. **(see Condition A-2.e)**

Sight Distance - Finding 6

The applicant has provide a letter dated May 30th 2006 and stamped and signed by a professional engineer licensed in the state of Washington stating that sight distance triangles for the driveways and stopping sight distance along the roadways comply with the provisions of CCC 40.350.030(B)(8).

Conclusion (Transportation):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

STORMWATER:

Applicability - Finding 1

Stormwater and Erosion Control Ordinance CCC 40.380 apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal - Finding 2

The Preliminary Stormwater report indicates that this proposed development will have approximately 0.18 acres of new impervious area and 0.11 acres of existing impervious area tributary to the proposed storm water treatment facility. The infiltration system will be designed to dispose of runoff from 0.39 acres of impervious area, which includes some off-site and existing pavement currently unaccounted for in adjacent storm systems. New homes will be required to infiltrate roof runoff into the infiltration trench being constructed at the westerly edge of the site. Because the project, per Clark county code, produces more than 2,000 square feet of new impervious surface, the project is required to comply with the county's water quality and quantity regulations of the development code [CCC 40.380]. As such, the project proposes stormwater facilities to treat runoff from the new access road and to provide infiltration for the full 100 year post-develop storm. The applicant will be required to provide a final storm drainage report that provides complete narrative and calculation regarding how this will be accomplished. (**see Conditions A-4.a**)

Infiltration- Finding 3

The project proposes to utilize infiltration as a method of stormwater quantity control for roof drainage. According to the Stormwater & Erosion Control Ordinance (CCC 40.380), infiltration of 100-year storm event is the preferred method for stormwater disposal from the developed site. Natural Resource Conservation Service mapping shows the site to be underlain by 22% Hillsboro Silt Loam (HIA) designated as A-4 soils and Wind River, 60% (WnB) and 18% (WnG) soils, both designated as A-2 in accordance with AASHTO classification. Hillsboro soils and Wind River soils are designated as hydrologic group "B".

The applicant has submitted an infiltration testing report performed by GE Services, Inc., dated April 12, 2006, for this site. The subsurface explorations consisting of 2 test pits were conducted on March 29, 2006. The test pits I-1 and I-2 are shown in Figure 1 of Infiltration Testing Report, Exhibit 2, Tab 8. Laboratory tests performed on March 31, 2006, included grain distribution analyses and AASHTO Specification M145 soil classification as required per stormwater ordinance. In accordance with the provisions

of CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration.

The test data, which include onsite observed infiltration rates, are summarized in the following table:

Date	Test Pit	Depth (feet)	AASHTO Soil Classification	Infiltration Rate (inches/hour) Groundwater Info
1/17/06	I-1	5.5	A-2-4	90 Bottom at 5.5 feet below ground surface No Groundwater
1/17/06	I-2	6.0	A-2-4	95 Bottom at 6.0 feet below ground surface No Groundwater

Feasibility of infiltration as a method of stormwater disposal - Finding 4

In accordance with CCC 40.380.040(C)(3), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour. The design of the infiltration systems using a minimum factor of safety of two (2) will result in one-half of the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. Design Infiltration rates and factor of safety are important criteria in sizing infiltration systems to ensure desired performance in these types of soils during the wet-weather season when the infiltration facilities are expected to perform at full capacity. **(see Condition A-4.b)**

The proposed infiltration facility does not include an emergency overflow or contingency plan in case the infiltration system fails to function as designed. If the proposed infiltration facility fails to function as designed, future homes and downstream properties may be impacted due to flooding. The final technical information report shall provide an overflow system for the infiltration. **(see Condition A-4.c)**

Site Conditions and Stormwater Issues - Finding 5

The property is 3.47 acres in area with slopes of 0-5% over 35% of the parcel, 5-10% over 17% of the parcel, 10-15% over 3% of the parcel, 15-25% over 4% of the parcel, 25-40% over 13% of the parcel, and 40-100% over 29% of the parcel. The site currently consists primarily of an open field with ground cover of spotty grass and weeds. A few trees in this area will be removed by the project. The easterly portion of the site will remain as a Habitat area.

The National Resources conservation service mapping shows the site to be underlain by Hillsboro soils (HIA) and Wind River soils (WnB & WnG), classified by AASHTO as A-4 and A-2 soils respectively. These soils are designated as hydrologic group "B". CCC 40.380 list A-2 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration may be an option for storm water disposal as long if it is substantiated.

Sacrificial System - Finding 6

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes within the proposed lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (**see Condition F-1.a**)

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 - Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 - Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (**see condition E-1**)

Finding 3 - Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. The required fire flow is available at the site, estimated in excess of 1,000 gallons per minute.

Finding 4 - Fire Hydrants

Fire hydrants shall be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant, as measured along approved fire apparatus access roads. Fire Marshall staff finds that either the indicated number or the spacing of the fire hydrants is inadequate. One hydrants is required.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants.

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, the applicant shall contact Fire District 6 at (360) 576-1195 to arrange for location approval.

Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. (***see Condition D-5***)

Finding 5 - Fire Access

The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Fire Marshal staff finds that the roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards.

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1 - Utilities

The site will be served by Clark Public Utilities for public water and by the Clark Regional Wastewater District (formerly named Hazel Dell) for public sewer. Letters from the purveyors confirm that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the purveyors that water and sewer connections to the new lots and the existing house have been installed and approved. (***see Condition D-6***)

Finding 2 - Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (***see Condition A-6***)

Conclusion (Water and Sewer Service): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 - Impact Fees

The four additional residential lots created by this plat will produce impacts on schools, parks, and traffic; and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

The site is within:

- Vancouver School District, with a SIF of \$1,725.00 per dwelling
- Park District #9, with a PIF of \$2,016.00 per dwelling (\$1,576 for park acquisition / \$440 for park development).
- Hazel Dell TIF sub-area with a TIF of \$1,423.54 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. **(see Conditions D-2.g. & E-2)**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 12, 2006 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Harper Kalin (360) 397-2375 ext. 5999
Team Leader: Krys Ochia (360) 397-2375 ext. 4834

Responsible Official: Michael V. Butts

DECISION

Based upon the proposed plan (identified as Exhibit #1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

A	Final Construction Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant is required to construct frontage improvements consisting of curb, gutter, sidewalk, and road paving tapering back to the edge of the existing road pavement. These frontage improvements are required from the projection of the westerly site boundaries to the projection of the easterly site boundaries. The driveway for the neighbor west of the site abuts the site on the westerly site boundary. The applicant shall anticipate the future residential driveway of the neighbor to the west by providing a temporary 6 foot asphalt ramp at the westerly end of the required frontage improvements. **(see Transportation Finding 3)**
- b. The private road, as shown is on the preliminary plat shall be constructed with a crown roadway section with 2-4% cross-slopes. Relief from the requirement for crown section in may be obtained through an Administrative Road Modification in accordance with CCC 40.550.010. **(see Transportation Finding 3)**
- c. The preliminary plat shows the proposed 16 foot wide on-site joint use driveway within a 25 feet access easement. The proposed joint driveway shall provide a minimum of twelve (12) feet of clear unobstructed all weather driving surface and an overhead clearance of thirteen (13) feet, six (6) inches in accordance with CCC 40.350.030(B)(4)(b)(2). **(see Transportation Finding 3)**
- d. Corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines or in the case where this in impractical, the driveway may be located five (5) feet from the property line away from the intersection or as a joint used driveway at the property line. **(see Transportation Finding 4)**
- e. The centerline bearing of the proposed private road is parallel with the bearing of the easterly property line which is skewed from the centerline of NE Sluman Road. The roadway intersection design shall be redesigned to comply with CCC 40.350.030(B)(7)(a) or the applicant shall apply and

obtain approval with a Road Modification for relief from this standard.
(see **Transportation Finding 5**)

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The project proposes stormwater facilities to treat runoff from the new access road and to provide infiltration for the full 100 year post-develop storm. The applicant will be required to provide a final storm drainage report that provides complete narrative and calculation regarding how this will be accomplished. (**see Stormwater Finding 2**)
- b. The design of the infiltration systems shall use a minimum factor of safety of two (2) resulting in one-half of the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. (**see Stormwater Finding 4**)
- c. The final technical information report shall provide an overflow system for the infiltration or provide a contingency plan. (**see Stormwater Finding 4**)

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction,

Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (***see Water and Sewer Service Finding 2***)

A-7 Fire Marshal Requirements:

- a. Fire Flow; Fire flow in the amount of 1000 gallons per minute supplied for 60 minutes duration is required for this application. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (***see Fire Protection Finding 3***)
- b. Fire hydrants; One fire hydrant is required for this application. The maximum spacing between hydrants must not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a hydrant as measured along the approved fire apparatus access roads. (***see Fire Protection Finding 4***)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. The applicant shall provide and maintain a three-foot clear space completely around every fire hydrant. (***see Fire Protection Finding 4***)
- d. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (***see Fire Protection Finding 5***)

A-8 Other Documents Required – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not

performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.0

- A-9 Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,
- a. Prior to construction, fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat. (***see Fire Protection Finding 3***)
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 The applicant shall provide a 5 feet wide sidewalk easement separate from the 25 feet wide private road and utility easement located on the eastern property line. (*see Land Use Finding 1*)

D-2 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Structures - "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, and other applicable standards for the R1-7.5 zone in CCC 40.220.010." (*see Land Use Finding 1*)
- b. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. Private Roads - "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- e. Responsibility for Stormwater Facility Maintenance - For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice

specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- f. Archaeological: "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- g. Impact Fees: "In accordance with CCC 40.610, the School, Park, and Traffic Impact Fees for each dwelling in this short plat are respectively: \$1,725.00 (Vancouver School Dist), \$2,016.00 (Park District #9) (\$1,576 – Acquisition; \$440 – Development), and \$1,423.54 (Hazel Dell TIF sub-area). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (*see Impact Fees Finding 1*)

D-3 Critical Areas (Habitat):

- a. The building envelopes shall be clearly shown on the face of the final plat. Any revisions to the proposed building envelopes will require an additional review. (*see Critical Areas Finding 1*)

D-4 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are prohibited on any lot in this plat pursuant to CCC 40.260.130(A)(2)."
- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages. Sidewalks are attached except along the frontage of (insert street name) which is detached."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: [REDACTED]."

D-5 Fire Marshal Requirements:

Fire hydrants shall be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant, as measured along approved fire apparatus access roads. The applicant shall contact Fire District 6 at (360) 576-1195 to arrange for location approval.

Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (*see Fire Protection Finding 4*)

- D-6 Utilities** - Prior to final plat approval, the applicant shall provide documentation verifying that public water and sewer connections for the new lots have been installed and approved. (*see Water and Sewer Service Finding 1*)
- D-7 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*see Fire Protection Finding 2*).
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$1,725.00 per dwelling for School Impact Fees (Vancouver School Dist.)
 - b. \$2,016.00 per dwelling for Park Impact Fees (\$1,576 – Acquisition; \$440 – Development for Park District #9);
 - c. \$1,423.54 per dwelling for Traffic Impact Fees (Hazel Dell TIF Sub-area)

Because Lot 5 will retain the existing residence, only 4 of the 5 proposed lots will be assessed for impact fees.

If the building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current rate. (*see Impact Fees Finding 1*)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Engineering Requirements:

Stormwater:

- a. All runoff from the site shall be conveyed to an onsite sacrificial system, a temporary sedimentation basin, or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (*see Stormwater Finding 6*)

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 15, 2006. Therefore any appeal must be received in this office by 4:30 PM, September 29 , 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;

- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
 - The appeal fee of **\$1,021**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Exhibit A – Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>